

Assembly Bill No. 627

Passed the Assembly September 8, 2009

Chief Clerk of the Assembly

Passed the Senate September 2, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Section 49546.5 of the Education Code, relating to child nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 627, Brownley. Child care: nutritional requirements.

Under existing law, the State Department of Education administers the child care food program pursuant to federal law, under which food is provided to child development programs and alternative child care programs, as defined.

This bill would require the Superintendent of Public Instruction to establish a pilot program at least 12 months in duration in which licensed child care centers and child day care homes selected by the department that participate in the federal Child and Adult Care Food Program shall implement certain nutrition and physical activity standards in exchange for a higher state meal reimbursement. This bill would require the State Department of Education to design and implement the pilot program, as specified. The bill would specify that its provisions shall only be implemented if the Superintendent determines that non-General Fund funding sources are available for that purpose, as specified.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Almost 20 percent of children between two years of age and five years of age in California are overweight or obese, and research shows that the condition is difficult to reverse at adolescence or in adulthood.

(b) Research demonstrates that taste preferences and lifelong healthy habits are formed in early childhood years.

(c) Recent changes to school meals to improve nutrition need to be complemented with changes to the nutrition environment in child care.

(d) Recent research demonstrates that the nutrition environment in child care could be improved by encouraging lowfat dairy products, fresh fruits and vegetables, and whole grain products.

(e) The State of California has a strong policy and financial involvement in the licensed child care system and in the health and safety of children while they are engaged in that system.

SEC. 2. Section 49546.5 is added to the Education Code, to read:

49546.5. (a) The Superintendent of Public Instruction shall establish a pilot program at least 12 months in duration in which licensed child care centers and child day care homes selected by the department that participate in the federal Child and Adult Care Food Program (42 U.S.C. Sec. 1766), shall implement certain nutrition and physical activity standards in exchange for a higher state meal reimbursement.

(b) The department shall design and implement the pilot program established pursuant to this section. The department may convene a stakeholder group to provide advice on the design, implementation, and evaluation of the pilot program.

(c) The department shall contract with an independent agency to evaluate the implementation and outcomes of the pilot program. The evaluation shall be completed within one year of the conclusion of the pilot program and shall be sent to the Senate and Assembly Committees on Education. The evaluation shall include, at a minimum, all of the following:

(1) The health, nutrition, and other related outcomes of the pilot program on children served in the participating child care centers and child day care homes, the child care providers, and the parents.

(2) The resulting changes in food and beverages provided, and physical activity occurring, at the participating child care centers and child day care homes.

(3) The fiscal impact of the policies and standards developed at participating child care centers and child day care homes.

(4) Recommendations for improvements or additions to the pilot program.

(d) This section shall only be implemented if the Superintendent determines that non-General Fund funding sources, including, but not limited to, federal funding or grant sources, are available to implement this section. If the Superintendent makes a determination that non-General Fund funding sources are available,

he or she shall post a declaration to that effect on the department's Internet Web site.

(e) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

Approved _____, 2009

Governor